

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jesus Baez,

Civil No. 09-2121 (RHK/LIB)

Plaintiff,

ORDER

v.

Officer Rosemack, Lee Whitter, Putter, PA. Nurse,
Dr. Nelson, Joyce Petterson, Nurse Petterson,
Michelle Holtan, Nurse, Dr. Cleghorn, MD, Nurse
Cherry, Warden D. Terrell,

Defendants.

Before the Court are the Objections to the August 8, 2011, Report and Recommendation of United States Magistrate Judge Leo I. Brisbois. Judge Brisbois has recommended the granting of Defendants' Motion for Dismissal/Summary Judgment and the denial of Plaintiff's Motion objecting to Defendants' Motion.

The Court has conducted a de novo review of the Report and Recommendation and Plaintiff's Objections thereto. That review satisfies the undersigned that Judge Brisbois's thorough and well-reasoned Report and Recommendation is fully supported by the factual record before him and by controlling legal principles.

Accordingly, and based on the foregoing, **IT IS ORDERED:**

1. The Objections (Doc. No. 110) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 105) is **ADOPTED**;
3. Defendant's Motion for Dismissal/Summary Judgment (Doc. No. 51) is **GRANTED**;

4. Plaintiff's Motion in Opposition of Defendants' Memorandum in Support of Motion to Dismiss for Summary Judgment (Doc. No. 71) is **DENIED**; and

5. The above action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 13, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge